

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: THOMAS RODNEY HOLCOMB, { CHAPTER 13
{
{
DEBTOR { CASE NO. R23-40738-BEM
{
{ JUDGE ELLIS-MONRO

OBJECTION TO CONFIRMATION

COMES NOW K. EDWARD SAFIR, CHAPTER 13 TRUSTEE herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor's payments under the proposed plan are not current.
2. The Debtor has failed to provide the Trustee with a copy of the 2022 federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e) (2) (A) (i). Therefore, the Trustee requires that the Debtor provide the Trustee with a sworn statement by the Debtor, in addition to the tax return, which states that the tax return provided is a true copy of the most recent tax return filed.
3. The Chapter 13 Plan fails to provide for the correct applicable commitment period, in violation of 11 U.S.C. Section 1325(b) (1) (B) and 1325(b) (4) .
4. The Chapter 13 budget fails to include expenses for homeowner's insurance; thereby, possibly rendering the proposed Chapter 13 plan payment to be infeasible, in violation of 11 U.S.C. Section 1325(a) (6) .
5. The Trustee requests proof of homeowner's insurance for the real property listed on Schedule A/B.

K. Edward Safir, Chapter 13 Trustee
285 Peachtree Center Ave., NE
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6. The Debtor has failed to disclose a transfer of land in the Statement of Financial Affairs, in possible violation of 11 U.S.C. § 521(a)(1)(B)(iii) and § 1325(a)(3). Specifically, Debtor testified at the 341 Meeting that two (2) years ago he transferred thirty-five (35) acres of land for \$200,000.00.

7. The Debtor's Chapter 13 plan, schedules, and/or Statement of Financial Affairs are inaccurate and/or incomplete; the Trustee is unable to determine either the duration or feasibility of the proposed plan. 11 U.S.C. §§ 1325(a)(3) and 1325(a)(7). Specifically, Debtor testified at the 341 Meeting that he is unsure of his spouse's gross monthly income. Debtor is to confirm Schedule I reflects his spouse's current and correct gross monthly income.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of this Debtor's Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

/s/

Deborah A. Reece, Attorney
for Chapter 13 Trustee
GA Bar No. 283016

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CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will automatically send an e-mail notification of such filing to the parties or attorneys of record. I have also on this day caused a copy of the pleading to be placed in the first-class United States mail, postage prepaid, addressed to the following recipients not participating in the CM/ECF system as follows:

THOMAS RODNEY HOLCOMB
703 HAYGOOD RD
RESACA, GA 30735-5055

This 12th day of July, 2023

/s/

Deborah A. Reece, Attorney
for Chapter 13 Trustee
State Bar No. 283016

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